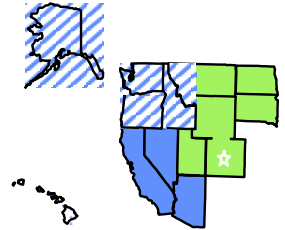




US Army Environmental Center
Western Regional Environmental Office
REGION 9 – MAY 2004



WESTERN REGION REVIEW

The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 9 area: Arizona, California, Hawaii and Nevada. We appreciate your feedback. Please contact the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0954, or fax: (303) 844-0951.

WREO STAFF

Gerald Owens
Regional Chief/DOD REC Region 8
(303) 844-0953
gowens@rma.army.mil

Regional Counsel (Acting)
(816) 983-3448

Tim Blume
Army REC Region 8
(303) 844-0958
tblume@rma.army.mil

Mark Mahoney
Army REC Region 9
(303) 844-0957
mmahoney@rma.army.mil

Mike Flannery
Army REC Region 10
(including Hawaii & Pacific)
(303) 844-0959
mflanner@rma.army.mil

Project Manager
(303) 844-0952

Regulatory Affairs Specialist
(303) 844-0954

Administrative Assistant
(303) 844-0950

Regional Environmental Coordinator (REC) Contacts

DOD REC Region 9
RADM Jose Betancourt, Jr.
(619) 532-2925
betancourt.jose@cnrsw.navy.mil

Army REC Region 9
Mark Mahoney
(303) 844-0957
mmahoney@rma.army.mil

Navy/DOD REC POC Region 9
CAPT Anthony J. Gonzales
(619) 553-7400
anthony.j.gonzales@navy.mil

Air Force REC Region 9
Ron McRobbie
(415) 977-8886
ronald.mcrobbe@brooks.af.mil

Baha Zarah
(415) 977-8843
baha.zarah@sanafcee.brooks.af.mil

Marine Corps REC Region 9
Colonel Joe Wendel
(760) 725-2631
wendelAJ01@mail.cpp.usmc.mil

DLA REC Region 9
John Guzman
(209) 439-4129
jguzman@ddc.dla.mil

E-mail Subscriptions to WREO Monthly Reviews

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail #wreo@rma.army.mil. Write "Subscription" as the subject and include your name and e-mail address in the body of the message.

Past issues of the Regional Reviews are available at <http://aec.army.mil> under "Regional Offices."

TABLE OF CONTENTS

Federal News & Regulatory Developments	2-4
Conferences, Symposiums, & Training	5-9
Arizona	10-11
California	12-14
Hawaii	15-16
Nevada	17-18



FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE – ACCIDENTAL RELEASE PREVENTION REQUIREMENTS - On 9 April 2004 (69 FR 18819), EPA finalized several changes to the reporting requirements of its chemical accident prevention regulations under section 112(r) of the Clean Air Act. Beginning 21 June 2004, chemical facilities subject to the accident prevention regulations submit information on any significant chemical accidents and any changes to emergency contact information on a more timely basis than previously required. The rule also immediately removes the regulatory requirement for covered facilities to include in the executive summaries of their risk management plans (RMPs) a brief description of the off-site consequence analysis for their facilities. In addition, the final rule also requires that covered facilities include three new pieces of information in their RMPs: the e-mail address for the facility emergency contact, the name, address and telephone number of any contractor who prepared the RMP, and the purpose of any RMP submission that changes or otherwise affects an earlier RMP submission. The changes were effective on 9 April 2004. For further information, contact Vanessa Rodriguez, EPA at (202) 564-7913.

FINAL RULE – NESHAP FOR SURFACE COATING OF PLASTIC PARTS AND PRODUCTS – On 19 April 2004 (69 FR 20967), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for plastic parts and products surface coating operations located at major sources of hazardous air pollutants (HAP). The final rule requires these operations to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The organic HAP emitted by these operations include methyl ethyl ketone, methyl isobutyl ketone, toluene, ethylene glycol monobutyl ether and other glycol ethers, and xylenes. Exposure to these substances has been demonstrated to cause adverse health effects such as irritation of the lung, skin, and mucous membranes, and effects on the central nervous system, liver, and heart. The final standards are expected to reduce nationwide organic HAP emissions from major sources in this source category by approximately 80 percent. The rule was effective 19 April 2004. For further information, contact Kim Teal, EPA at (919) 541-5580, or e-mail teal.kim@epa.gov.

PROPOSED RULE – NESHAP FOR HAZARDOUS WASTE COMBUSTORS – On 20 April 2004 (69 FR 21197), EPA proposed NESHAP for hazardous waste combustors (HWC). These combustors include hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, boilers and process heaters, and hydrochloric acid production furnaces. EPA has identified these HWCs as major sources of HAP emissions. These proposed standards will, when final, require HWCs to meet HAP emission standards reflecting the application of MACT. The HAP emitted by these facilities include arsenic, beryllium, cadmium, chromium, dioxins and furans, hydrogen chloride and chlorine gas, lead, manganese, and mercury. Comments are due by 6 July 2004. For further information, contact Michael Galbraith, EPA at (703) 605-0567, or e-mail galbraith.michael@epa.gov.

NOTICE – DESIGNATION OF NEW EQUIVALENT METHOD FOR MONITORING PM₁₀ - On 8 April 2004 (69 FR 18569), EPA designated a new equivalent method for measuring concentrations of particulate matter as PM₁₀ in the ambient air. For further information, contact Elizabeth Hunike, EPA at (919) 541-3737, or e-mail Hunike.Elizabeth@epa.gov.

PROPOSED RULE – NESHAP FOR STATIONARY COMBUSTION ENGINES – On 7 April 2004 (69 FR18338), EPA proposed to stay the effectiveness of the combustion turbines NESHAP promulgated on 5 March 2004 for new sources in the lean premix gas-fired turbines and diffusion flame gas-fired turbines subcategories, which are the two principal subcategories EPA is proposing to delist. This action is necessary to avoid wasteful and unwarranted expenditures on installation of emission controls which will not be required if the subcategories are delisted. Comments are due by 24 May 2004. For further information, contact Kelly Rimer, EPA at (919) 541-2962, or e-mail rimer.kelly@epa.gov.

PROPOSED RULE – NESHAP FOR STATIONARY COMBUSTION ENGINES – On 7 April 2004 (69 FR 18327), EPA proposed to amend the list of categories of sources by deleting four subcategories from the Stationary Combustion Turbines source category. Final MACT standards creating the following subcategories were published on 5 March 2004: lean premix gas-fired stationary combustion turbines, diffusion flame gas-fired stationary combustion turbines, emergency stationary combustion turbines, and stationary combustion turbines located on the North Slope of Alaska. This action is being taken in part to respond to a petition submitted by the Gas Turbine Association (GTA) and in part upon the EPA Administrator's own motion. The proposed rule is based on EPA's evaluation of available information concerning the potential hazards from exposure to hazardous air pollutants (HAP) emitted from the four subcategories and includes a detailed rationale for removing the subcategories from the source category list. Comments are due by 7 June 2004. For further information, contact Kelly Rimer, EPA at (919) 541-2962, or e-mail rimer.kelly@epa.gov.

WASTE INFORMATION:

NOTICE OF AVAILABILITY – SOLID WASTE RESOURCES - EPA's Office of Solid Waste has released its 2004 Edition of "A Collection of Solid Waste Resources" CD ROM. It contains more than 300 publications on hazardous and nonhazardous waste. The documents are searchable, listed alphabetically by topic. The publications cover many topics, including recycling and reuse, buying recycled, hazardous waste management, composting, and used motor oil. The document may be ordered free from the National Service Center for Environmental Publications (EPA 530-C-04-001) or downloaded at <http://www.epa.gov/epaoswer/osw/cdoswpub.htm>.

NOTICE OF AVAILABILITY – HANDBOOK OF GROUNDWATER PROTECTION AND CLEANUP POLICIES FOR RCRA CORRECTIVE ACTION - EPA has released an updated "Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action." The document contains the EPA's current interpretation of policies on such topics as cleanup goals, the role of groundwater use, point of compliance, source control, and monitored natural attenuation. This handbook ties different topics together with an overall groundwater protection and cleanup strategy that emphasizes a phased, results-based approach to cleaning up contaminated groundwater. The Handbook recommends that groundwater cleanups generally be implemented in terms of: 1) short-term protection goals; 2) intermediate performance goals; and 3) final cleanup goals. The document is available for download at <http://www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/gw/gwhandbk/gwhb041404.pdf>.

WATER INFORMATION:

FINAL ACTION – CONSTRUCTION AND DEVELOPMENT EFFLUENT GUIDELINE - EPA has issued a "Construction and Development Effluent Guideline" that relies on a broad range of existing programs and regulations to control stormwater runoff from construction sites (in lieu of a new national effluent guideline). EPA recognizes that stormwater runoff threatens water quality, but believes that existing authorities and tools, supplemented by additional guidance, workshops, and resources, provide a more effective and flexible approach. For further information, link <http://www.epa.gov/guide/construction>.

NOTICE OF PUBLICATION – DRINKING WATER CONTAMINANT LIST 2 – On 2 April 2004 (69 FR 17406), EPA announced its preliminary decision to carry over the 51 contaminants published in the February 1998 Contaminant Candidate List (CCL), a list of contaminants which, at the time of publication,

were not subject to any proposed or promulgated national primary drinking water regulations, and were known or anticipated to occur in public water systems. The draft CCL includes 42 chemicals or chemical groups and nine microbiological contaminants. EPA's approach to the draft CCL 2 is to continue using the remaining contaminants on the 1998 CCL for prioritizing research and making regulatory determinations while working with the National Drinking Water Advisory Council and stakeholders to complete a review of the National Research Council recommendations for developing a more comprehensive and transparent CCL listing process. Comments are due by 1 June 2004. For further information, contact Dan Olson, EPA at (202) 564-5239.

PROPOSED RULE – REVISIONS TO WATER REGULATIONS – On 6 April 2004 (69 FR 18165), EPA proposed changes to analysis and sampling procedures in its wastewater regulations. These changes include proposal of vendor-developed methods; new EPA and voluntary consensus standard bodies (VCSB) methods; updated versions of currently approved methods; revised method modification and analytical requirements; withdrawal of certain outdated methods; and changes to sample collection, preservation, and holding time requirements. EPA also proposed changes to drinking water analysis and monitoring. These changes include proposal of vendor-developed methods; new EPA and VCSB methods; and updated VCSB methods. Finally, EPA solicited comment on the guidance document "EPA Microbiological Alternate Test Procedure (ATP) Protocol for Drinking Water, Ambient Water, and Wastewater Monitoring Methods." Comments are due by 7 June 2004. For further information, contact Marion Kelly, EPA at (202) 566-1045, or e-mail Kelly.Marion@epa.gov.

GENERAL INFORMATION:

FINAL RULE – NOTIFICATION REQUIREMENTS FOR LEAD-BASED PAINT ABATEMENT ACTIVITIES AND TRAINING – On 8 April 2004 (69 FR 18489), EPA issued a final rule to establish notification procedures for certified lead abatement professionals conducting lead-based paint abatement activities, and accredited training programs providing lead-based paint activities courses. The rule established the procedures that must be used to provide notification to EPA prior to the commencement of lead-based paint abatement activities. The rule also required accredited training programs to notify EPA prior to providing initial or refresher lead-based paint activities training courses, and following completion of lead-based paint activities training courses. The rule will be effective 10 May 2004. For further information, contact Mike Wilson, EPA at (202) 566-0521, or e-mail wilson.mike@epa.gov.



GENERAL INFORMATION

GAO REPORT – DEMILITARIZATION OF EXCESS AMMUNITION – GAO has updated an April 2001 report with recommendations for improving cost effectiveness of the conventional ammunition demilitarization process by making full use of existing government facilities to demilitarize excess conventional ammunition (GAO-04-427R). DoD has concurred with the GAO recommendations. For the full text of the update, link <http://www.gao.gov/new.items/d04427r.pdf>.

GAO TESTIMONY – CHEMICAL WEAPONS DESTRUCTION SCHEDULE – GAO provided testimony to Congress assessing the status of the chemical weapons demilitarization program. According to GAO, the program continues to fall behind its schedule milestones and DoD will not meet the Chemical Weapons Convention April 2004 deadline to destroy 45% of the stockpile. DoD will be requesting an extension of the final deadline to destroy 100% of the stockpile beyond 2007. While 27.6% of the total stockpile has been destroyed, Tooele, Utah has destroyed 47.1% of its stockpile. For further information, contact Raymond Decker, GAO at (202) 512-6020, or link <http://www.gao.gov/new.items/d04634t.pdf>.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS

2004 RCRA NATIONAL CORRECTIVE ACTION CONFERENCE

11-12 May 2004 – Orlando, Florida

EPA is sponsoring this conference with the theme: "Moving Towards Results Based Facility Initiated Corrective Action." The conference will explore future measures for environmental indicators for 2008 and 2020, foster innovations that will drive the RCRA Corrective Action Program, and exchange information and experiences on streamlining the Corrective Action process. For further information, contact Lael Butler, EPA at (404) 562-8453. Early registration is recommended. To register electronically, link <http://www.nationalcaconf.com/2004>.

ENVIRONMENTAL SUSTAINABILITY MANAGEMENT SYSTEM WORKSHOP

11-13 May 2004 – Covington, Kentucky

The Kentucky Pollution Prevention Center is sponsoring this workshop to provide environmental management system (EMS) training with a sustainability perspective. Through lectures and hands-on exercises, the workshop will present how an EMS can evolve to an environmental sustainability management system by incorporating values-based strategic planning that considers the environment, the well-being of the individual and the community, as well as economic viability. For more information or to register, call (800) 334-8635, ext. 0965, or link <http://www.kppc.org/>.

12TH ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM & EXHIBITION

17-20 May 2004- Dallas, Texas

The Joint Ordnance Commanders Group and NDIA are presenting this symposium to support DoD in numerous efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda will focus on global challenges and successes experienced in the disposition of energetic materials. Topics of interest will include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information or to register, link www.ndia.org.

WATER QUALITY STANDARDS ACADEMY

17-21 May 2004 – Washington, DC

EPA is presenting the Water Quality Standards Academy Basic Course. The course is a five-day introduction designed for those with fewer than six months' experience, although water quality standards veterans can benefit from the course as a refresher. This is a comprehensive and highly structured course that introduces participants to all aspects of the water quality standards program, including the interpretation and application of the water quality standards regulation; policies and program guidance; the development of water quality criteria (human health, aquatic life, sediment, nutrient and biological); and all other facets of the program. For further information or to register, link <http://www.glec-online.com/form.htm>.

LEAD-BASED PAINT REGULATION TRAINING

20 May 2004 – Lakewood, Colorado

EPA is offering this free training to provide Federal Facilities participants with a detailed explanation of its regulations pertaining to lead-based paint. In addition, representatives from OSHA and HUD will present information on their lead-based paint regulations. Training will consist of lectures and interactive discussions. Specific topics include: EPA Lead Hazard Standards, Lead Disclosure Rule, Pre-Renovation Education Rule, EPA Certification Requirements for Lead-Based Paint Activities, OSHA Lead Enforcement Program, and HUD Lead Based Paint Regulation. For more information or to register, link http://www.epa.gov/region8/toxics_pesticides/leadpnt/workshop.html.

ENVIRONMENTAL LAWS AND REGULATIONS**25-28 May 2004 – Richland, Washington**

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

EPA SCIENCE FORUM 2004**1-3 June 2004 – Washington, DC**

The theme for the 2004 EPA Science Forum will be "Healthy Communities and Ecosystems." This 3rd Annual Science Forum will showcase EPA's scientific accomplishments, demonstrate EPA's commitment to quality science, and highlight the impact of science in EPA decision-making. The Forum is designed to promote dialogue among EPA scientists and program staff, as well as EPA partners, stakeholders, and the public on critical scientific issues affecting the Agency. There will be concurrent sessions with accompanying poster presentations on key scientific topics. For more information or to register, link <http://www.epa.gov/ord/scienceforum>.

APPLIED CLEAN AIR ACT**1-3 June 2004 – Richland, Washington**

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

NATIONAL SOURCE WATER PROTECTION CONFERENCE**2-4 June 2004 – Washington, DC**

EPA's Office of Ground Water and Drinking Water is sponsoring this conference, which will focus on the protection of the ground and surface resources which supply the water used by public drinking water systems. The conference agenda includes numerous breakout sessions, technical training and short courses, a resource fair and a plenary session focusing on financing. For more information, link <http://yosemite.epa.gov/r10/ocrej.nsf/0/a3ee5d746d26e1a588256d1100559ab0?OpenDocument>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS**15-17 June 2004 – Edgewood, Maryland****22-24 June 2004 – San Antonio, Texas**

The Army Center for Health Promotion and Preventive Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication; Steps of the Risk Communication Process; Importance of Identifying, Understanding, and Collaborating with Key Stakeholders; Pitfalls to Effective Risk Communication; and Basic Tools for Engaging the Media. For more information or to register link <http://chppm-www.apgea.army.mil/risk>.

ACCELERATING SITE CLOSEOUT**15-17 June 2004 – Dallas, Texas**

The Federal Remediation Technologies Roundtable is sponsoring this conference with the theme: "Improving Performance and Reducing Costs Through Optimization." The goals of the conference are to: 1) outline long-term remediation liabilities and optimization needs and opportunities; 2) disseminate existing and emerging optimization strategies, technologies, tools, and science; 3) communicate lessons learned and identify technical, institutional, contractual, and other enhancements and encumbrances to achieving positive optimization results; and 4) present remedial optimization within the context of site-wide and multi-site management programs. For more information or to register, link <http://www.clu-in.org/siteopt/siteopt.htm>.

2004 COMMUNITY INVOLVEMENT CONFERENCE**15-18 June 2004 – Denver, Colorado**

EPA is sponsoring this 7th annual conference to share lessons learned and to establish and monitor its standards for community involvement. The conference will cover the entire scope of public participation, community involvement, partnership building, and outreach and education related to all aspects of environmental protection. For more information, contact Lisa Gebler at (301) 589-5318, ext. 23, or link <http://www.epancic.org/2004>.

McCOY RCRA SEMINAR**21-25 June – Portland, Oregon**

McCoy and Associates is offering this RCRA training with five sessions at each seminar: 1) RCRA Fundamentals; 2) Critical Generator Issues; 3) Advanced RCRA Topics I; 4) Advanced RCRA Topics II and Land Disposal Restrictions I; and 5) Land Disposal Restrictions II and RCRA Rules Under Development. The seminar is designed for hazardous waste generators, environmental managers, compliance specialists, environmental consultants, and environmental attorneys. For more information or to register, call (303) 526-2674, or link <http://www.mccoyseminars.com>.

NATURAL RESOURCES COMPLIANCE**22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB) approved course. For more information or to register, link <https://www.cec.navy.mil>.

IMPLEMENTING AND AUDITING A PERFORMANCE-BASED EMS**23-25 June 2004 – Denver, Colorado**

The Colorado Department of Public Health and Environment is offering five sessions of this course (June-October). The course is designed for government, military, and other public sector personnel who are seeking to use ISO 14001 and Environmental Management Systems (EMS) to improve management of the environment within their organizations. The course will cover highly effective techniques to test the effectiveness of established environmental programs and how organizations successfully implement and operate EMS that deliver real improvement in environmental performance. For more information or to register, contact Linda Dunwoody at (678) 819-0693, or link <http://www.ermcvs.com>.

HAZARDOUS WASTE MANIFESTING/DOT RECERTIFICATION COURSE**30 June-1 July 2004 – Virginia Beach, Virginia**

The Army Corps of Engineers is providing recurrent training regarding regulatory requirements of the Hazardous Materials Transportation Act (HMTA) and the Resource Conservation and Recovery Act (RCRA) as it applies to the generation, transportation, and disposal of hazmat, focusing upon hazardous waste. Training topics cover the identification and classification of hazardous wastes for purposes of preparing a hazardous waste manifest and fulfilling the DOT requirements for shipping hazardous wastes. Specifically, training topics include RCRA waste classification, land disposal restrictions and notification, manifesting requirements, identification of a DOT Reportable Quantity, use of the Hazardous Materials Table, DOT requirements for determining a shipping name, properly packaging, labeling, marking and placarding, DOT emergency response requirements, and general security awareness. In addition, the course addresses special EPA and DOT requirements for shipping asbestos and PCBs. For more information or to register, link <http://pdsc.usace.army.mil/>.

BASIC REQUIREMENTS OF THE CLEAN AIR ACT**7-9 July 2004 – Denver, Colorado**

The Army Corps of Engineers is offering this introductory workshop. Topics include: Emission Factors, National Ambient Air Quality Standards, State Implementation Plans, Prevention of Significant Deterioration, New Source Review, Conformity, National Standards for Hazardous Air Pollutants, Chemical Accident Prevention, Title V Operating Permits, and the Stratospheric Ozone Protection Program. For more information or to register, call (256) 895-7425.

HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE**20-22 July 2004 – Annapolis, Maryland**

This course emphasizes legal compliance with the National Historic Preservation Act Section 106 process using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link <https://www.cecos.navy.mil>.

9TH ANNUAL JOINT SERVICES ENVIRONMENTAL MANAGEMENT CONFERENCE**16-19 August 2004 – San Antonio, Texas**

The National Defense Industrial Association is presenting this conference and exhibition (formerly the Joint Services Pollution Prevention and Hazardous Waste Management Conference and Exhibition). The theme of the 2004 conference is "Sustaining the Force: Optimizing Readiness Through the Prevention of Pollution." For more information, contact Naomi Mundy at (703) 247-9476, or link <http://www.ndia.org>.

13TH ANNUAL ITAM WORKSHOP**16-20 August 2004 – San Francisco, California**

The Army is calling for abstracts for the Integrated Training Area Management (ITAM) workshop. Suggested topics are: land rehabilitation and maintenance, land condition trend analysis, sustainable range awareness, training requirements integration, and geographical information system. For more information, link <http://www.army-itam.com/public/workshop/13th/callforpapers.jsp>.

INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS**17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link <https://www.cecos.navy.mil>.

DOD CONSERVATION CONFERENCE**22-27 August 2004 – Savannah, Georgia**

The theme of this year's conference is "Integrating Natural and Cultural Resources with Readiness." Attendance is open to DoD employees, contractors, and invited non-DoD participants. The conference is intended for personnel directly or indirectly involved in conservation issues, including facility planners, military trainers, and attorneys. Plenary and breakout sessions will address successful efforts by DoD to integrate conservation requirements with military mission needs. For more information or to register, link <http://www.dodconservationconference.com>.

ADVANCED RISK COMMUNICATION WORKSHOP**23-26 August 2004 – San Antonio, Texas**

The Army Center for Health Promotion and Preventive Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. For more information or to register, call (410) 436-3515, or link <http://chppm-www.apgea.army.mil/risk>.

DECONSTRUCTION AND BUILDING MATERIALS REUSE CONFERENCE**1-3 September 2004 – San Francisco, California**

EPA is offering this conference in coordination with the National Recycling Coalition Annual Congress (29 August-1 September). There will be a special emphasis on federal agency and DoD activities. Topics will include: Where Green Building and Deconstruction Intersect, Used Building Materials Markets, Deconstruction Costs and Benefits, Design for Deconstruction and Reuse, and Research, Standards Development & Certification Programs. For more information or to register, contact Timonie Hood, EPA at (415) 972-3282, or link <http://www.DECON04.com>.

CONFERENCE ON COASTAL AND ESTUARINE HABITAT RESTORATION**12-15 September 2004 – Seattle, Washington**

This conference will advance the knowledge, pace, practice and success of coastal and estuarine habitat restoration. It will also highlight the unique resources and restoration efforts in and around the Pacific Northwest. The latest products, tools and services available from businesses, government agencies and non-profit organizations will be displayed at the Restoration Expo. For more information or to register, link <http://www.estuaries.org/2ndnationalconference.php>.

2004 BROWNFIELDS CONFERENCE**20-22 September 2004 – St. Louis, Missouri**

EPA is sponsoring this annual conference to bring together key experts from all levels of government, business, and finance to share ideas and experiences in the field of urban and environmental development. The conference will feature interactive discussions, educational presentations, and networking opportunities related to brownfields redevelopment. For additional information, please visit: <http://www.epa.gov/swerosps/bf/announcg.htm>.

[\[TOP OF SECTION\]](#)[\[TOP OF REVIEW\]](#)



STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



ARIZONA

AIR INFORMATION:

DEPARTMENTAL DISCUSSION – DEVELOPMENT OF REGIONAL HAZE SIP – The Arizona Department of Environmental Quality (DEQ) is discussing the development of a state implementation plan (SIP) to address regional haze and to replace the federal implementation plan (FIP). The plan will address specific categories of stationary sources built between 1962 and 1977 that may contribute to visibility impairment in mandatory Federal Class I areas. DEQ will continue to work with the Western Regional Air Partnership to develop a plan for a SIP to replace the current FIP. The stakeholder group report recommended that DEQ develop the plan under Section 309 of the regional haze rule, utilizing a stakeholder-based process to address all 12 Arizona National Parks and Wilderness Areas. Comments are due by 17 May 2004. For more information, contact Deborrah Martinkovic at (602) 771-2372, or link <http://www.sosaz.com/aar/2004/2/docket.pdf>.

Legislative Developments

The 2004 legislative session convened 12 January and ended 4 April. For current information on the legislative session, link <http://www.azleg.state.az.us>.

ARIZONA HB 2055 – LAND USE - Establishes the Military Gunnery Range Preservation Study Committee. Charges the Committee with: (1) studying the encroachment of development on the Florence national guard gunnery range; (2) discussing the issue of encroachment with the Florence national guard gunnery range, landowners of land near the range and developers; and (3) attempting to reach an agreement between the Florence national guard gunnery range, landowners of land near the range and developers that preserves the Florence national guard gunnery range. Introduced 8 January 2004. Passed House 16 February. Failed 6 April. The sponsor is Representative Bob Stump (R).

ARIZONA HB 2139 – LAND USE - Gives county boards of supervisors the power to acquire development rights for the purpose of preserving real property surrounding military installations in order to maintain open spaces. Introduced 12 January 2004. Referred to Rules Committee 16 February. The sponsor is Representative John Nelson (R).

ARIZONA HB 2140 – LAND USE - Re-defines "military airport" for purposes of airport zoning and regulation as an airport that is operated by an armed force and that is primarily used for military fixed wing aircraft operations, excluding a runway or airstrip that is not immediately adjacent to facilities primarily used for operational control, maintenance and permanent parking of aircraft and includes a military training route. Introduced 13 January 2004. Passed House 15 March. Amended 6 April. The sponsor is Representative John Nelson (R).

ARIZONA HB 2141 – LAND USE - Establishes notification and land use planning requirements for Luke Air Force Base Auxiliary Airfield #1. Introduced 16 February 2004. Passed House 15 March. Passed Senate 13 April. Signed by Governor Janet Napolitano (D) 19 April. The sponsor is Representative Jennifer Burns (R).

ARIZONA HB 2419 – DIESEL EMISSIONS - Requires that, beginning 1 January 2006, any registered owner or lessee of a fleet of less than twenty-five vehicles may not operate a diesel powered motor vehicle with a gross vehicle weight of more than twenty-six thousand pounds unless it was manufactured in or after the 1988 model year or is powered by an engine that is certified to meet or surpass emissions standards. Introduced 14 January 2004. Passed House 23 February. Passed Senate 1 April. The sponsor is Representative Deb Gullett (R).

ARIZONA HB 2590 – GROUNDWATER - Requires that a person who recovers water on an annual basis to recover the water stored pursuant to a water storage permit only if: (1) the proposed recovery well is located within the area of impact of the stored water; (2) the person recovering the water is the storer or the stored water to be recovered is Colorado River water; (3) the proposed recovery well is located outside the area of impact of the stored water; and (4) the proposed recovery well is located within the area of impact of the stored water. Filed 2 February 2004. Reported from Rules Committee 10 March. The sponsor is Representative Jennifer Burns (R).

ARIZONA HB 2605 – LAND USE - Designates the Arizona Department of Commerce as the State's general planning agency and the agency responsible for overseeing the newly established Military Installation Fund consisting of income tax monies derived from military personnel. Amends the statutes relative to the process and procedures for general plans adopted by counties and municipalities with respect to military facilities. Filed 4 February 2004. Reported from Federal Mandates and Property Rights Committee 4 March. The sponsor is Representative Philip Hanson (R).

ARIZONA HB 2632 – GROUNDWATER - Requires a public water system that serves fifteen or more service connections or that serves twenty-five or more persons to report annually to DEQ on the following: (1) the amount of groundwater withdrawn during the calendar year; (2) the registration number and location of each well used; and (3) the quantity of fuel or electricity consumed by any wells used during the calendar year. Introduced 9 February 2004. The sponsor is Representative Tom O'Halleran (R).

ARIZONA HB 2644 – UNDERGROUND STORAGE TANKS - Makes amendments to laws governing corrective action of underground storage tanks. Provides that corrective actions relying on natural attenuation must be preceded by active removal of contamination that has caused or threatens to cause a violation of aquifer water quality standards. Introduced and referred to House Environment; Appropriations and Rules Committees 12 February 2004. The sponsor is Representative Joe Hart (R).

ARIZONA HB 2662 – MILITARY FLIGHTS - Defines "military training route" as a low level military flight that may be as low as one hundred feet above the ground at speeds in excess of two hundred fifty knots indicated air speed. Introduced 9 February 2004. Passed House 11 March. Passed Senate 13 April. Sent to Governor 20 April. The sponsor is Representative Jennifer Burns (R).

ARIZONA HB 2705 – ALTERNATIVE FUELS - Requires that any person who buys diesel fuel in the State that is intended for on-road use in a county with a population of one million two hundred thousand or more persons shall comply with the following schedule for conversion to biodiesel: (1) by 1 July 2005, one per cent of the diesel fuel purchased shall be biodiesel fuel; (2) by 1 July 2006, five per cent of the diesel fuel purchased shall be biodiesel fuel; (3) by 1 July 2007, ten per cent of the diesel fuel purchased shall be biodiesel fuel; (4) by 1 July 2008, fifteen per cent of the diesel fuel purchased shall be biodiesel fuel; and (5) by 1 July 2009, twenty per cent of the diesel fuel purchased shall be biodiesel fuel. Limits the use of methyl tertiary butyl ether in motor fuels. Introduced 9 February 2004. Amended and reported from House Environment Committee 8 March. The sponsor is Representative Tom Boone (R).

ARIZONA HCM 2011 – LAND USE - Urges the Congress of the United States to authorize a land trade within noise contours and accident potential zones of Luke Air Force Base. Introduced 9 February 2004. Passed House 11 March. Passed Senate 22 April. The sponsor is Representative John Nelson (R).



CALIFORNIA

Regulatory Developments & Other State Information

PROPOSED REGULATION – DESIGNATION OF CRITICAL HABITAT FOR LANE MOUNTAIN MILK-VETCH

On 6 April 2004 (69 FR 18018), the U.S. Fish and Wildlife Service (FWS) proposed to designate 29,522 acres as critical habitat for the Lane Mountain Milk-vetch (*Astragalus jaegerianus*), including lands controlled by the Army and NASA located in the Mojave Desert in San Bernardino County. The Army is proposing to establish two conservation areas for the species. Although the Army's National Training Center at Fort Irwin has an Integrated Natural Resources Management Plan (INRMP) in place, it does not address the Lane Mountain Milk-vetch and it does not include the withdrawn lands where much of the critical habitat is located. The Army is amending its existing INRMP. Comments are due by 7 June 2004. For further information, contact Connie Rutherford, FWS at (805) 644-1766.

PROPOSED REGULATION – DESIGNATION OF CRITICAL HABITAT FOR RED-LEGGED FROG –

On 13 April 2004 (69 FR 19619), FWS proposed to designate 4,138,064 acres as critical habitat for the California red-legged frog (*Rana aurora draytonii*) in the following counties: Alameda, Contra Costa, Fresno, Los Angeles, Mariposa, Merced, Monterey, Riverside, San Luis Obispo, San Diego, San Joaquin, Santa Clara, and Ventura. FWS is requesting information from DoD to assist the Secretary of the Interior in excluding critical habitat on lands under the control of the DoD based on the benefit of an Integrated Natural Resources Management Plan and information regarding impacts to national security associated with proposed designation of critical habitat. Comments are due by 14 June 2004. For further information, contact FWS at (916) 414-6600.

AIR INFORMATION:

FINAL RULE – RECLASSIFICATION OF SAN JOAQUIN AREA FOR OZONE – On 16 April 2004 (69 FR 20550), EPA took final action to grant a request by California to voluntarily reclassify the San Joaquin Valley Ozone Nonattainment Area from a severe to an extreme 1-hour ozone nonattainment area. EPA also took final action to require the State to submit by 15 November 2004 an extreme area ozone plan for the areas under the State's jurisdiction that provides for the attainment of the ozone National Ambient Air Quality Standard as expeditiously as practicable, but no later than 15 November 2010. The State must also submit within 12 months revised Title V and New Source Review rules that reflect the extreme area statutory requirements. Once effective, this reclassification will terminate the federal offset sanction that was imposed on 18 March 2004 and the highway sanction and federal implementation plan clocks. The rule will be effective 17 May 2004. For further information, contact David Wampler, EPA at (415) 972-3975, or e-mail wampler.david@epa.gov.

PROPOSED RULE – REVISIONS TO ANTELOPE VALLEY NOx SIP – On 21 April 2004 (69 FR 21482), EPA proposed a limited approval and limited disapproval of revisions to the Antelope Valley Air Quality Management District portion of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen (NO_x) emissions from internal combustion engines. EPA proposed action on a local rule that regulates these emission sources under the Clean Air Act. Comments are due by 21 May 2004. For further information, contact Thomas Canaday, EPA at (415) 947-4121, or e-mail canaday.tom@epa.gov.

WATER INFORMATION:

EMERGENCY REGULATION – WATER RIGHTS – The California Water Resources Control Board has adopted emergency regulations to its water right and water quality certification fees. The Budget Act requires the Board's water right program to be supported by fee revenues totaling \$4.4 million. Senate Bill 1049 requires the Board to adopt emergency regulations revising and establishing fees to be deposited in

the Water Rights Fund. Under the emergency regulations, the Board will increase filing fees for applications petitions, registrations, and other filings and adopt annual fees for permits, licenses, water leases, and projects subject to water quality certification. The regulations were effective 1 January 2004. For more information, contact Debbie Irvin at (916) 341-5128.

DEPARTMENTAL DISCUSSION – PRIMARY DRINKING WATER STANDARD FOR PERCHLORATE –

The California Department of Health Services (DHS) is developing a proposal for a MCL for perchlorate. Until the MCL is in place, DHS will continue to use a 4-microgram per liter (µg/L) action level to protect consumers. Since the PHG for perchlorate has been established, DHS will proceed with formal rulemaking, which includes public comment. For the proposed regulation, DHS will evaluate the technical and economic feasibility of regulating perchlorate. Technical feasibility includes an evaluation of commercial laboratories' ability to analyze for and detect perchlorate in drinking water, the costs of monitoring, and the costs of treatment required to remove perchlorate. Costs are required by law to be considered whenever MCLs are adopted. For more information, contact Alexis Milea at (510) 540-2177, or link <http://www.dhs.cahwnet.gov/ps/ddwem/chemicals/perchl/perchlindex.htm>.

Legislative Developments

The 2004 legislative session convened 5 January and will adjourn 30 November. For current information on the legislative session, link <http://www.leginfo.ca.gov/index.html>.

CALIFORNIA AB 1942 – HAZARDOUS WASTE - Provides that the owner or operator of a hazardous waste facility is not required to submit an application for a permit renewal until requested to do so by the Department of Toxic Substances Control. Deems the hazardous waste facilities permit extended if the Department does not initiate the review of the permit before the end of the permit's fixed term. Introduced 11 February 2004. Referred to Environmental Safety and Toxic Materials 26 February. Amended 19 April. The sponsor is Assemblyman Alan Lowenthal (D).

CALIFORNIA AB 2565 – LAND USE - Transfers the California Defense Retention and Conversion Council to the Business, Transportation and Housing Agency. Establishes the Office of Military Support in the agency and authorize the agency to enter into an interagency agreement with any other state agency as deemed necessary to administer these programs. Establishes the Military Support Account in the Special Deposit Fund in the State Treasury and require that any private funds the council or the office accepts be deposited in that account. Introduced 20 February 2004. Referred to Assembly Veterans Affairs Committee and Assembly Local Governments Committee 18 March. Amended 22 April. The sponsor is Assemblywoman Nicole Parra (D).

CALIFORNIA AB 2585 – LAND USE - States the Legislature's intent to encourage the Navy to select Lemoore Naval Air Station as the Navy's West Coast Operations Center to house the F-35 Joint Strike Fighter. Requires the San Joaquin Valley district to develop and adopt by regulation a program to fund projects that the district determines will provide measurable reductions in emissions of air contaminants from stationary or mobile sources in the district, to offset or mitigate any increase in air pollution that may result if the Navy selects the Lemoore Naval Air Station to house the F-35 Joint Strike Fighter. Introduced 20 February 2004. Referred to Appropriations Committee 12 April. The sponsor is Assemblywoman Nicole Parra (D).

CALIFORNIA SB 18 – LAND USE - Establishes a process in the California Environmental Quality Act that allows the Native American Heritage Commission, in consultation with Native American tribes and other interested parties, to determine whether or not a proposed development project adversely impacts a traditional tribal cultural site, and to recommend project changes and mitigation measures to avoid or reduce those impacts. Carried over to 2004 session. Reconsideration granted 8 January 2004. The sponsor is Senator John Burton (D).

CALIFORNIA SB 50 – ELECTRONIC WASTE - Makes it unlawful to sell a covered electronic device in the State to a consumer if the electronic device is prohibited from being sold or offered for sale in the European Union. Exempts manufacturers that demonstrate to the satisfaction of the California Integrated Waste Management Board or the Department of Toxic Substances Control that the device contains no toxic materials. Requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer. Requires a manufacturer to inform the retailer if a covered electronic device is subject to the waste recycling fee. Carried over to the 2004 session. Referred to Senate Appropriations Committee 12 January 2004. Amended 16 January. Passed Senate 28 January. The sponsor is Senator Byron Sher (D).

CALIFORNIA SB 1435 – LAND USE - Approves an exchange of public trust lands within the Oakland Army Base redevelopment property, whereby certain trust lands that meet specified criteria and are not now useful for public trust purposes will be freed from the public trust and may be conveyed into private ownership, and certain other lands that are not now public trust lands and that are useful for public trust purposes will be made subject to the public trust. Introduced 19 February 2004. Referred to Senate Rules Committee 18 March. Hearing scheduled 3 May. The sponsor is Senator Don Perata (D).

CALIFORNIA SB 1462 – LAND USE - Creates the Southern California Military Greenway Commission comprised of Los Angeles, Ventura, Kern, and Kings Counties and consisting of 17 specified voting members. Authorizes the commission, in consultation with appropriate state agencies and exofficio members and advisory committees, to promote, facilitate, and administer the acquisition of voluntary private and public conservation easements or other voluntary transfers of fee or lesser interests in real property. Requires the commission to review proposed land uses within member counties that may affect military flight paths and would require these counties, upon receipt of notification by the commission, to attempt to resolve with the aid of the commission, any identified issues of proposed land use that are inconsistent with the purposes for which the commission is established. Introduced 19 February 2004. Referred to Assembly Local Government Committee 4 March. Hearing 28 April. The sponsor is Senator Sheila James Kuehl (D).

CALIFORNIA SB 1742 – SPILL LIABILITY PLANS - Renames the state oil spill contingency plan the California oil spill contingency plan. Revises provisions with respect to: (1) the definitions of "marine waters" and "spills and discharge;" (2) use of volunteer works for wildlife rehabilitation, and other aspects relating to wildlife rehabilitation; (3) interstate agreements with other states; and (4) the establishment of harbor safety committees. Introduced 20 February 2004. Referred to Senate Environmental Quality Committee and Senate Natural Resources and Wildlife Committee 11 March. Hearing 27 April. The sponsor is Senator Bruce McPherson (R).

CALIFORNIA SB 1885 – LAND USE - Defines "reuse plan" for a military base as an initial plan for the reuse of a military base adopted by a local government or a redevelopment agency in the form of a general plan, general plan amendment, specific plan, redevelopment plan, or other planning document. Introduced 1 March 2004. Referred to Senate Rules Committee 11 March. Hearing scheduled 3 May. The sponsor is the Senate Environmental Quality Committee.

CALIFORNIA SB 1909 – WATER - Substitutes the term "recycled water" for "reclaimed water" and the word "recycling" for "reclamation" in various provisions of the Water Code. Introduced 10 March 2004. The sponsor is Senate Agriculture Committee.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)



HAWAII

Hawaii and Pacific Island Regional Environmental Coordinator (REC) Contacts

DOD REC Region 9

RADM Jose Betancourt, Jr.
(619)-532-2925
betancourt.jose@cnrsw.navy.mil
Al Hurt (POC-Hawaii & the Pacific Islands)
(619) 524-6253
hurt.alan.c@asw.cnrsw.navy.mil

Army REC Hawaii & the Pacific Islands

Mike Flannery
(303) 844-0959
mflanner@rma.army.mil

Navy REC Hawaii & the Pacific Islands

John Muroaka
(808) 471-1171 X 229
MuroakaJT1@PWCPEARL.navy.mil

Air Force REC Hawaii & the Pacific Islands

Ron McRobbie
(415) 977-8886
Ronald.McRobbie@brooks.af.mil

Marine Corps REC Region Hawaii & the Pacific Islands

Pat Christman
(760) 725-2674
christmanp@pendleton.usmc.mil

DLA REC Hawaii & the Pacific Islands

John Guzman
(209) 439-4129
jguzman@ddc.dla.mil

Regulatory Developments & Other State Information

FINAL PLAN – INVASIVE SPECIES MANAGEMENT PLAN – The Hawaii Department of Land and Natural Resources has developed an invasive species management plan. The Department reviewed the National Invasive Species plan as a model. For more information, contact Mindy Wilkinson at (808) 587-0166, or link http://www.hawaii.gov/dlnr/dar/pubs/ais_mgmt_plan_final.pdf.

ACCORD REACHED ON MAKUA TRAINING – The Army and Marine Corps will be able to conduct limited live-fire training in Makua Valley under a settlement reached 31 March 2004 between the military and Malama Makua, a community concerned about the training's effect on endangered species and cultural resources. Mortars will be used only when wind, grass moisture and other factors indicate a low likelihood of fire. The terms of the settlement will remain in place while the Army consults with FWS to determine the overall effect of military training activities on the endangered species of the area.

AIR INFORMATION:

PROPOSED REGULATION – LEAD ABATEMENT STANDARDS – The Hawaii Indoor Air Quality Division has proposed amendments for lead abatement standards. The proposed provisions establish sets of minimum requirements for all persons involved with lead-based paint abatement activities. This includes the certification of individuals and firms, accreditation of training providers, and work practice standards for conducting lead-based paint activities. Comments are due by 7 May 2004. For more information, contact Tom Lileikis at (808) 586-4200.

WATER INFORMATION:

PROPOSED REGULATION – CLASSIFICATION OF PERENNIAL STREAMS – The Hawaii Environmental Management Division (EMD) has proposed amendments to HAR 11-54-03 and 05, Classification, Uses and Specific Criteria for Inland Waters. The amendments add a classification for perennial streams. This amendment is a result of EMD's triennial review of the water quality standards and is part of a larger revision of HAR 11-54. EMD is accepting public comments until further notice. For more information, contact June Harrigan at (808) 586-4337.

Legislative Developments

The 2004 legislative session began 21 January and will end 5 May. For current information on the legislative session, link <http://www.capitol.hawaii.gov/sessioncurrent/bills>.

HAWAII HB 1805 – LAND USE - Clarifies the policy of the State to actively encourage the maintenance and expansion of federal investment in military facilities in the State. Promotes Hawaii's supportive role in national defense, including supporting the continued operations of all existing military installations and the establishment and expansion of new military installations under the jurisdiction of the Department of Defense in Hawaii. Introduced 22 January 2004. Referred to the House Public Safety and Military Affairs Committee 26 January. Amended, reported from Committee and referred to House Water, Land Use and Hawaiian Affairs Committee 10 February. The sponsor is Representative Marcus Oshiro (D).

HAWAII HB 1806 – LAND USE - Requires notification to the commanding officer of the military installation of: (1) zoning changes; and (2) district boundary amendments for land within 3,000 feet or two miles of a military installation (depending on the size of the population of the county in question). Introduced 22 January 2004. Referred to the House Public Safety and Military Affairs Committee 26 January. Referred to Water, Land and Agriculture Committee 24 March. The sponsor is Representative Marcus Oshiro (D).

HAWAII HB 1840 – AIR - Authorizes the Director of Health to regulate the discharge of fugitive dust both within and beyond a property lot line. Introduced 23 January 2004. Referred to House Energy and Environmental Protection Committee 26 January. Passed House and sent to Senate 9 March. Referred to Senate Health Committee and Senate Energy and Environment Committee 12 March. Amended 8 April. Passed Senate 13 April. The sponsor is Representative Cindy Evans (D).

HAWAII HB 2375 – SOLID WASTE - Creates a felony charge for the disposal of solid waste if a person knowingly discards, disposes of, deposits, discharges, or dumps solid waste, or otherwise arranges directly or indirectly for the disposal of solid waste in an amount equal to or greater than ten cubic yards in volume anywhere other than a permitted solid waste management system. Introduced 26 January 2004. Passed House 4 March. Referred to Judiciary committee 9 March. Passed Senate 2 April. The sponsor is Representative Calvin Say (D).

HAWAII SB 503 – WATER QUALITY - Increases, from \$25,000 to \$40,000, the fine for each violation of the water pollution law, or any rule, permit, or variance issued under that law. Enacts provisions relating to muddy water, underground injection, and nutrients. Allows citizen suits. Carried over to the 2004 session. Failed to meet committee reporting deadline 5 March. The sponsor is Senator J. Kalani English (D).

HAWAII SB 2477 – NUISANCE SPECIES - Authorizes the Department of Agriculture to restrict the entry into the State of any articles originating from Guam that have not been certified as having been inspected by the U.S. Department of Agriculture-Wildlife Services or other approved agency prior to shipment from Guam. Introduced 13 January 2004. Passed Senate 5 March. Referred to House Energy and Environmental Protection Committee 11 March. Reported from Committee 24 March. Referred to House Judiciary Committee 25 March. Held in Committee 6 April. The sponsor is Senator J. Kalani English (D).

HAWAII SB 3170 – FUELS - Establishes new requirements for the blending of ethanol in gasoline. Introduced 28 January 2004. Passed Senate 9 March. Referred to House Energy and Environmental Protection Committee 11 March. Referred to Consumer Protection and Commerce Committee 23 March. Reported from committee 8 April. Passed House 13 April. The sponsor is Senator Carol Fukunaga (D).



NEVADA

AIR INFORMATION:

FINAL REGULATION – REVISIONS TO PERMITTING PROVISIONS - The Nevada Division of Environmental Protection (DEP) has adopted amendments to the permitting provisions of NAC 445B (Air Controls). The amendments remove the ambiguity concerning implementation of regulations covering incinerator burning and schedules for compliance as well as add an opacity limit and reduce the time allowed for exceptions to visible emissions from steam generating units. The amendments also remove the State visibility standard; make violations of the fugitive dust regulations a major violation; and revise the procedures for determining when an application for a Class I/PSD operating permit are considered complete. The amendments were adopted 26 February 2004. For more information, contact Mike Elges at (775) 687-4670, ext. 35437.

FINAL REGULATION – ALTERNATIVE FUEL USE IN FLEETS - The Nevada DEP has removed low-sulfur diesel fuel from the list of designated alternative fuels and replaced it with three diesel fuel variants: (a) ultra low-sulfur diesel fuel; (b) California Air Resources Board (CARB) approved diesel fuel; and (c) a blend of diesel fuel with five to twenty percent biodiesel. A sunset provision removes the ultra low-sulfur diesel fuel and CARB approved diesel fuel from the approved list on 31 December 2006, since ultra low-sulfur diesel fuel will be mandated by federal regulation at retail outlets nationwide beginning in June 2006. In addition, the definition of "certified vehicle" was removed. The definition of "dedicated alternative fuel motor vehicle" was amended to include vehicles certified by the EPA as being in compliance with ultra low-emission vehicle standards regardless of the type of fuel used. The amendments were adopted 26 February 2004. For more information, contact Sig JaunaraJs at (775) 687-5392, or link: <http://ndep.nv.gov/baqp/2003-11/P2003-11.%20486A%20amends.doc>.

FINAL REGULATION – REVISIONS TO OPEN BURNING REGULATION – The Nevada DEP has adopted amendments to its Open Burning Regulation. The amendments: (1) prohibit the burning of household trash at single-family residences within 10 miles of trash disposal, collection or transfer sites or in areas with household trash collection services. The open burning of yard waste and untreated wood waste will continue to be allowed in these areas; (2) prohibit the burning of rubbish by agricultural operations within 10 miles of trash disposal, collection or transfer sites or in areas with household trash collection services; and (3) prohibit residents of certain towns and cities from obtaining a variance directly from the DEP to burn waste, if local authorities do not authorize it. The burning of yard waste and untreated wood waste is allowed in these areas provided that it has been authorized by an officer of the state or its political subdivisions, concurred in by the director and is not specifically prohibited by local ordinances or regulations. The amendments were adopted 26 February 2004. For more information, contact Sam Jackson at (775) 687-9358, or link <http://ndep.nv.gov/baqp/2003-13/P2003-13.%20open%20burn%20amends.doc>.

WASTE INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL HAZARDOUS WASTE REGULATIONS – The Nevada DEP has adopted amendments to Nevada's Hazardous waste regulations to make them consistent with federal regulations as of 1 July 2003. The amendments include adopting federal standards by reference as well as prohibiting direct transfer of hazardous waste from transport vehicle to boiler or industrial furnace. Owners or operators of a boiler or industrial furnace may not directly transfer hazardous waste from a transport vehicle to a boiler or industrial furnace without the use of a storage unit. Storage units must be permitted in the manner prescribed by 40 CFR Part 270. The amendments were adopted on 26 February 2004. For more information, contact Jim Trent at (775) 687-4670, ext.3015.

FINAL REGULATION – REVISED DEFINITION OF HAZARDOUS WASTE – The Nevada DEP has adopted amendments to the hazardous waste regulations, including specific changes to the State's definition of hazardous waste. These changes establish and define two subcategories of waste that are generated outside the State and will provide for more uniform regulatory treatment and equitable assignment of fees when such wastes are managed. The proposed amendments pertain to NAC 444.842 to 444.960, inclusive. The amendments mitigate the effects of unequal regulatory treatment of some types of "hazardous waste" as currently defined and regulated by other states (namely, California) when compared to Nevada. The purpose of this regulation is to identify two subcategories of wastes that have been designated by other states as being hazardous, but have been given substantial relief from California regulations governing taxation or fees for disposal. The amendments were adopted 26 February 2004. For more information, contact Jim Trent at (775) 687-4670, ext. 3015.

WATER INFORMATION:

FINAL REGULATION – REVISIONS TO WATER QUALITY STANDARDS – The Nevada DEP has adopted revisions to the water quality standards for Class Waters, including changes to existing formats for listing water quality standards in the Nevada Annotated Code provisions. DEP also adopted a revision of the existing pH criteria, and total phosphorus criteria for various Class Waters throughout the State. DEP reports that the regulation will not have an economic impacts, either immediate or long term, on the regulated industry, and that the amended regulations are no more stringent than what is established by federal law and do not address fees. The revisions were effective 26 February 2004. For more information, contact John Heggeness at (775) 687-4670, ext.3093, or link <http://sec.nv.gov/archives/regdoc/p2003-09.pdf>.

Legislative Developments

Nevada did not have a regular legislative session in 2004. For information on the 2003 legislative session, link <http://www.leg.state.nv.us/>.

[\[TOP OF SECTION\]](#)

[\[TOP OF REVIEW\]](#)